Source: https://www.industrydocuments.ucsf.edu/docs/ystp0003

And determine if they did. Instead of the original ban, a fairly liberal law was passed by the legislature. Smokers statewide rejoiced, and the business owners went back to minding their tills.

"You have to use common sense when you implement laws," comments Oertel. "You can't just destroy jobs and businesses." She's convinced the measure's effects would have been devastating and immediate; despite official claims that the proposed ban would have no impact on business, says Oertel, several groups cancelled conventions scheduled in the state when they heard about it.

In addition to the potential financial damage avoided, the victory raised bigger issues about the way government operates, Oertel believes. "Tobacco is a legal substance," she says, "but we're making smokers second-class citizens and taking their rights away from them." Consumers can choose to visit a nonsmoking facility if they want, she says—it shouldn't be the government's job to decide. "I like to believe in democracy, but I think we've gone amok."

Legal outrages about Constitutional issues and mutterings about a new Prohibition aside, further restrictions on smoking are being discussed and enacted right and left. They're bound to hit the alcoholic beverage business in the cash register, though to what extent is difficult to project. One 1994 study of the impact of smoking bans, sponsored by R.J. Reynolds Tobacco Co. and based on interviews with 800 restaurant and bar owners or managers in cities in California, Colorado, Massachusetts and Texas that have imposed smoking restrictions, found that 32 percent of the operations experienced an impact. For 75 percent the effect was negative, as revenues decreased an average of 18 percent or $23,336 per month. Fourteen percent reported an average 17 percent increase in business, or $3,997 per month.

Another study of consumer intentions, funded by the National Restaurant Association and based on interviews with 1,200 consumers nationwide, projected that a ban on smoking in the workplace being proposed by the Occupational Safety and Health Administration would lead to $18.2 billion in lost restaurant sales nationwide.

FOR YOUR OWN GOOD

Who wants these bans?

Not smokers, obviously.

Not most bartenders and waiters, 55 percent of whom smoke, according to industry-sponsored lobbying group the Tobacco Institute, and all of whom recognize that customers lingering over a cigarette will stay longer and spend more.

Not most restaurateurs—especially those whose competitors in neighboring towns aren't restricted.

And apparently not the public in general, according to a number of recent polls which showed overwhelming support for separate smoking areas but *not* for outright bans. Banning smoking seems to be the mission of legislators, as the case of California illustrates: state citizens voted against the statewide smoking restrictions of Proposition 188 in last November's elections, but the state Assembly voted A.B. 13 into effect as of January 1. Positioned as a measure to protect employees, A.B. 13 prohibits smoking in all workplaces. Taverns and bars in restaurants are exempt until January 1997, when they will fall under the ban as well unless new standards are introduced.

Whatever their political justification, extreme anti-smoking measures are generally not welcome by the people they affect.

Outdoor tables are the only smoking sections left in some restaurants, above. More than 1,000 smokers united in front of the White House, below, in a show of solidarity organized by MARKET WATCH and *Cigar Aficionado* publisher Marvin R. Shanken last March.

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